

HEARING DATE: APRIL 15, 2026 at 11:00 A.M.

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

STATE OF RHODE ISLAND,)
)
Plaintiff,)
)
v.)
)
AECOM TECHNICAL SERVICES, INC.,)
AETNA BRIDGE COMPANY,)
ARIES SUPPORT SERVICES INC.,)
BARLETTA HEAVY DIVISION, INC.)
BARLETTA/AETNA I-195 WASHINGTON)
BRIDGE NORTH PHASE 2 JV,)
COLLINS ENGINEERS, INC.)
COMMONWEALTH ENGINEERS &)
CONSULTANTS, INC.,)
JACOBS ENGINEERING GROUP, INC.)
MICHAEL BAKER INTERNATIONAL, INC.,)
PRIME AE GROUP, INC.)
STEERE ENGINEERING, INC.,)
TRANSYSTEMS CORPORATION, and)
VANASSE HANGEN BRUSTLIN, INC.)
)
Defendants.)

C.A. No. PC-2024-04526

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S CONSOLIDATED
OBJECTION TO (1) DEFENDANT/COUNTERCLAIMANT BARLETTA/AETNA I-195
WASHINGTON BRIDGE NORTH PHASE 2 JV'S THIRD MOTION TO COMPEL AND
(2) DEFENDANT AECOM TECHNICAL SERVICES, INC.'S MOTION TO COMPEL
PLAINTIFF'S RESPONSES TO REQUESTS FOR ADMISSIONS & TO DEEM
REQUESTS ADMITTED**

Now comes the Plaintiff, the State of Rhode Island (the "State"), by and through its counsel, and, hereby submits this Objection to (1) Defendant/Counterclaimant Barletta/Aetna I-195 Washington Bridge North Phase 2 JV's (the "JV") Third Motion to Compel, which was filed on March 27, 2026, and (2) Defendant AECOM Technical Services, Inc.'s ("AECOM") Motion to Compel Plaintiff's Responses to Requests for

Admission & To Deem Requests Admitted, which was filed on March 27, 2026 (together, the “Motions to Compel”).

These Motions involve two primary issues: first, whether the State’s responses to the JV’s Interrogatory Nos. 7 and 8 are substantively compliant with Rule 33 of the Superior Court Rules of Civil Procedure; and second, whether the State’s responses to AECOM’s Requests for Admission comply with Rule 36 of the Superior Court Rules of Civil Procedure. The JV’s Third Motion to Compel is limited to just two interrogatories (Nos. 7 and 8) and represents a disagreement over the level of specificity the State must provide, not whether the State has answered at all. The State has served four rounds of interrogatory responses, including extensive supplementation. Similarly, AECOM’s Motion challenges the State’s substantive responses to its Requests for Admission, yet the State’s responses fully comply with Rule 36’s requirements. The State has engaged in good faith with the discovery process throughout this litigation.

For the reasons set forth below, the Court should deny the Motions to Compel.

BACKGROUND

This case arises out of a series of claims that AECOM and the JV (among other defendants) failed to comply with their respective obligations to the State in performing inspection, design, construction, and other services on the I-195 westbound Washington Bridge, formally known as the Washington Bridge North No. 700 (the “Washington Bridge”). Those failures generally focus on two overarching issues: the defendants’ failure to recognize the significance of certain tie-down rods to the stability, integrity, and safety of the Washington Bridge; and the defendants’ failure to evaluate, investigate, or even

recommend an investigation into the condition of the post-tensioning system of the Washington Bridge.

To date, the State has produced over 490,000 pages of documents to the defendants. The State has also answered dozens of interrogatories and responded to multiple sets of requests for admission. The State has served four rounds of interrogatory responses (original plus three supplements) since September 2025 and has twice supplemented its responses to AECOM's Requests for Admission. Despite this extensive discovery cooperation, the JV and AECOM have filed the Motions to Compel.

The JV's Third Motion to Compel is limited to two interrogatories, Nos. 7 and 8. Interrogatory No. 7 asks whether the Bridge Technical Concept ("BTC") addressed the existence of problems relating to the tie-down rods at Piers 6 and 7 and called for repairs to the post-tensioning systems. Interrogatory No. 8 asks the State to provide the factual basis (including persons and documents) for its responses to the JV's First Requests for Admission.

AECOM's Motion to Compel challenges the State's responses to its Requests for Admission, alleging that the State's responses are deficient because they: (i) assert "lacks sufficient knowledge" without describing the inquiry undertaken; (ii) contain "denied as phrased" responses; (iii) invoke vagueness objections; (iv) assert privilege over factual matters; and (v) include qualified admissions with narrative commentary.

The procedural history of the interrogatory dispute is well-documented. The JV served its First and Second Sets of Interrogatories in June 2025. The State served its initial responses in September 2025 and has since served three rounds of supplemental responses, including progressively narrowed Bates citations, identification of specific

witnesses, and grouping of RFAs by category. The JV's prior motions to compel were withdrawn after the State agreed to provide supplemental responses. Similarly, with respect to AECOM's Requests for Admission, the State served its initial responses on November 26, 2025, and supplemental responses on February 5, 2026. The State responded to two rounds of deficiency letters from AECOM. On February 25, 2026, the State informed AECOM that it did not intend to further amend its responses because the responses are already compliant with Rule 36. For the reasons set forth below, the State's discovery responses comply with the governing rules, and the Court should deny both Motions to Compel.

The issues for the Court to decide are: (1) whether the State's responses to the JV's Interrogatory Nos. 7 and 8 comply with Rule 33 of the Superior Court Rules of Civil Procedure; and (2) whether the State's responses to AECOM's Requests for Admission comply with Rule 36 of the Superior Court Rules of Civil Procedure. As demonstrated below, both sets of responses are fully compliant.

STANDARD OF REVIEW

“[I]n granting or denying discovery motions, a Superior Court justice has broad discretion” *Sandy Point Farms, Inc. v. Sandy Point Vill., LLC*, 200 A.3d 659, 662 (R.I. 2019) (quoting *State v. Lead Industries Association, Inc.*, 64 A.3d 1183, 1191 (R.I. 2013)). As the Rhode Island Supreme Court has emphasized, “this Court will not disturb [such discretion] save for an abuse of that discretion.” *Noonan v. Sambandam*, 296 A.3d 670, 673 (R.I. 2023) (quoting *State v. Lead Industries Association, Inc.*, 64 A.3d 1183, 1191 (R.I. 2013)). That discretion, however, is guided by the scope of discovery set forth in Rule 26(b) of the Superior Court Rules of Civil Procedure. Under that rule, “[t]he scope

of discovery includes ‘any matter, *not privileged*, which is relevant to the subject matter involved in the pending action.’” *Heritage Healthcare Services, Inc. v. Beacon Mut. Ins. Co.*, No. PC02-7016, 2007 WL 1234481 (R.I. Super. Apr. 17, 2007) (Silverstein, J.) (quoting Super. R. Civ. P. Rule 26(b)(1)). Put another way, “discoverable matter must be both relevant and not privileged.” *Fireman’s Fund Ins. Co. v. McAlpine*, 120 R.I. 744, 747, 391 A.2d 84, 86 (1978).

“The provisions of the Superior Court Rules of Civil Procedure pertaining to discovery generally are liberal, and are designed to promote broad discovery among parties during the pretrial phase of litigation.” *DeCurtis v. Visconti, Boren & Campbell, Ltd.*, 152 A.3d 413, 420 (R.I. 2017) (internal quotations and citations omitted). “The philosophy underlying modern discovery is that prior to trial, all data relevant to the pending controversy should be disclosed unless the data is privileged.” *Id.* at 421 (internal quotations and citations omitted).

At the same time, these broad discovery principles are not without limit. If the information sought in a pretrial discovery request would be inadmissible at trial, the information must be reasonably calculated to lead to the discovery of admissible evidence in order to be discoverable. *See Noonan*, 296 A.3d at 674 (internal quotations and citations omitted). However, the Rhode Island Supreme Court has also recognized that, “[a]lthough generally favoring the reciprocal disclosure of relevant information, the rules of discovery are littered with constraints intended to comport with other competing interests.” *DeCurtis*, 152 A.3d at 423 (internal quotations and citations omitted).

ARGUMENT

The Court should deny the Motions to Compel. First, with respect to the JV's Third Motion to Compel, the State's responses to Interrogatory Nos. 7 and 8 are substantively compliant with Rule 33. The State has provided detailed, non-evasive responses that quote specific contract provisions, identify corresponding documents, and name relevant witnesses. The JV is not entitled to compel the State to frame its answers in the binary terms the JV prefers. Second, with respect to AECOM's Motion to Compel, the State's responses to AECOM's Requests for Admission comply with Rule 36. The State has either admitted, denied, or explained in detail why it cannot truthfully admit or deny each request. AECOM's extreme requested relief—deeming RFAs admitted—is unwarranted given the State's substantive responses to the requests.

I. The State's Responses to the JV's Interrogatory Nos. 7 and 8 Comply with Rule 33.

The JV's Third Motion to Compel is limited to two interrogatories: Nos. 7 and 8. The State's responses to these interrogatories are fully compliant with Rule 33, and the JV's Motion should be denied.

A. The State's Answers to Interrogatory No. 7 Are Substantively Responsive.

The JV's core complaint is that the State has not given a "yes or no" answer to whether the BTC addressed tie-down rod problems at Piers 6 and 7, called for post-tensioning repairs, identified specific BTC sheet numbers, and described what work the BTC required on those components. However, the State has provided three rounds of supplemental responses that quote the specific RFP and contract provisions governing the BTC's scope, including RFP Part 1, Section 3.1 and Part 2, Section 3.13.7.1, and

identified the corresponding Bates-stamped documents. These are substantive, non-evasive answers. The State is explaining what the BTC required, a 25-year design life, with the design-build entity responsible for any retrofit or strengthening to achieve that goal, which necessarily addresses the JV's question.

Under Rule 37(a)(3), an answer is only treated as a failure to respond if it is "evasive or incomplete."¹ But the State's answers are neither evasive nor incomplete. While Rhode Island's discovery rules "generally are liberal, and are designed to promote broad discovery among parties during the pretrial phase of litigation," *DeCurtis*, 152 A.3d at 420, those rules do not require a responding party to adopt its adversary's preferred framing nor does a refusal to do so constitute an evasive or incomplete answer. The State's responses are substantive responses to complex questions that happen not to adopt the JV's preferred framing. The JV is effectively asking the State to characterize the BTC in a way that helps the JV's defense. The State is not obligated to frame its answer in the binary terms the JV prefers. The State's response explains its position: the BTC set performance requirements, and the JV bore responsibility for identifying and addressing structural issues necessary to meet those requirements. The BTC's scope is a mixed question of fact and contract interpretation, it is not a simple yes-or-no factual inquiry. The State has identified the relevant contract provisions and documents, which is all Rule 33 requires.

¹ The Rhode Island Supreme Court has explained that "[t]o be deemed to have failed to serve a written response, a party need not fail to respond entirely; instead, an evasive or incomplete answer or response is to be treated as a failure to answer or respond." *Joachim v. Straight Line Prods., LLC*, 138 A.3d 746, 753 (R.I. 2016) (internal quotations and citations omitted).

Indeed, Interrogatory No. 7 is arguably a contention interrogatory involving the application of law (contract interpretation) to fact. Rule 33(b) expressly provides that “the court may order that such an interrogatory need not be answered until after other designated discovery has been completed or at some other later time.” Given that the fact discovery deadline is not until September 17, 2026, the Court could defer this interrogatory until the factual record is more fully developed, rather than compelling a premature answer with ongoing, incomplete discovery. This same argument applies to Interrogatory 8, as discussed below.

B. The State’s Answers to Interrogatory No. 8 Are Compliant Under Rule 33(d).

The JV argues the State’s responses are impermissible “document dumps” that violate Rule 33(d). The State disagrees. The State has progressively (and voluntarily, in good faith) expanded upon its responses across three supplemental rounds, narrowing its Bates citations and grouping RFAs by category. The responses identify specific Bates ranges, specific witnesses (Loren Doyle, John Preiss, Anthony Pompei, Christopher Hart, Corey Richards, Richard Prior), and tie them to categories of RFAs.

Rule 33(d) permits a party to specify business records from which an answer may be derived, so long as the specification is made “in sufficient detail to permit the interrogating party to locate and identify, as readily as can the party served, the records from which the answer may be ascertained.” The underlying documents are the JV’s own RFP materials, contract documents, and project records so the JV is at least as well positioned as the State to locate the relevant information within them.

Interrogatory No. 8 is itself an extraordinarily broad contention interrogatory that asks for all facts, all witnesses, and all documents supporting the State’s position on each

of 46 RFAs. The State's responses are proportionate to the breadth of the interrogatory, and requiring the State to write individualized factual narratives for each of 46 RFAs would be unduly burdensome. As the Rhode Island Supreme Court has recognized, "[a]lthough generally favoring the reciprocal disclosure of relevant information, the rules of discovery are littered with constraints intended to comport with other competing interests." *DeCurtis*, 152 A.3d at 423 (internal quotations and citations omitted). Rule 26(b)(1) provides that the court shall limit discovery if it determines that the discovery is "unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive," or that the discovery is "unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, the parties' resources, and the importance of the issues at stake in the litigation." The proportionality principle cuts strongly in the State's favor here because the JV has access to the *same* project documents and should not be permitted to shift the burden of organizing its own files onto the State through an overbroad interrogatory.

C. The JV's Motion Is Disproportionately Narrow for Judicial Intervention.

The JV's Third Motion to Compel is limited to two interrogatories: Nos. 7 and 8. The remaining disputes are essentially disagreements about the level of specificity the State must provide, not about whether the State has answered at all. The State has responded substantively; the JV simply wants more detail. This case is fundamentally different from the discovery sanction cases in which courts have imposed dismissal or other severe sanctions. In *Aguayo v. D'Amico*, 981 A.2d 1016 (R.I. 2009), the plaintiff failed to respond to discovery requests for nearly two and a half years and then produced "largely incomprehensible" filings that failed to answer specific interrogatories. *Id.* at 1016-

17. In *Joachim*, the plaintiff withheld 155 pages of responsive documents until the middle of trial, disclosing them only after attempting to use some during redirect examination. 138 A.3d at 749-50, 753. And in *Devaney v. St. Thomas More Catholic Church*, 285 A.3d 23 (R.I. 2022), the plaintiff received multiple, separate *orders to compel* and then submitted expert interrogatory answers that he admitted were “crafted without the expert’s approval or review.” *Id.* at 26-27. Those cases involved either complete failures to respond, deliberate concealment, or blatant fabrication-not good-faith disagreements over the level of detail in substantive responses. Here, the State has voluntarily served four rounds of interrogatory responses (no orders to compel having been issued), identified specific contract provisions and witnesses, and progressively narrowed its Bates citations. Fact discovery does not close until September 17, 2026. There is ample time for the parties to continue refining responses through the normal course of discovery without Court intervention.

The relief the JV seeks, compelling “full and complete” answers within 15 days, is vague and would effectively give the Court the role of supervising the content of interrogatory answers, which is not what Rule 37 contemplates. Additionally, the State has served four rounds of interrogatory responses since September 2025. The JV’s own timeline confirms this extensive supplementation history. The State has, in good faith, to date provided supplemental responses, supplemental documents, an updated privilege log, and has agreed to expand the interrogatory cap to 60. The JV itself acknowledged this by withdrawing its prior motions. This is not a case of stonewalling. For all these reasons, the JV’s Third Motion to Compel should be denied.

II. The State's Responses to AECOM's Requests for Admission Comply with Rule 36.

AECOM's Motion to Compel argues that the State's responses to its Requests for Admission are deficient in several categories. The State disagrees. Rule 36(a) requires that a responding party either admit the matter, deny it, or after reasonable inquiry, state in detail why the party cannot truthfully admit or deny: "A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder." The State's responses fully comply with these requirements.

The Rhode Island Supreme Court has emphasized the purpose of Rule 36: "It is important that we reflect for a moment on the purpose of the rule that allows the request for admissions. Rule 36 establishes a 'procedure . . . for facilitating the proof at the trial by weeding out facts and items of proof over which there is no dispute, but which are often difficult and expensive to prove.'" *Demers v. Demers*, 557 A.2d 1187, 1191 (R.I. 1989) (internal quotations and citations omitted). The corollary to this purpose is that Rule 36 allows reasonable responses based on a party's personal knowledge or ability to ascertain the facts. See *id.* Where a party cannot admit or deny a matter, the rule permits that party to explain in detail the reasons for its inability to do so. See *id.* at 1190.²

² It bears noting that the Supreme Court found that "no effort was made on the part of the co-commissioners to respond candidly or truthfully to the requests for admission. These responses were blatantly evasive and could not have been set forth in good faith, since every one of the foregoing requests for admissions was based upon facts within the personal knowledge of the co-commissioners." *Demers*, 557 A.2d at 1190. Here, the opposite is true: the State has fully, directly, and in good faith, addressed each of AECOM's discovery requests.

A. The State’s “Denied as Phrased” Responses Are Permissible Under Rule 36(a).

AECOM argues that the State’s responses denying RFA Nos. 6, 9, 18, 39, 47–49, and 59 “as phrased” are legally insufficient. Rule 36(a) requires that “[a] denial shall fairly meet the substance of the requested admission.” Where the State denied “as phrased,” it was because the RFAs contained loaded or misleading language, and a denial on the grounds of phrasing is a permissible denial under Rule 36 so long as it fairly meets the substance of the request. The rule does *not* require a party to accept the framing of a question that embeds contested factual predicates. As the Rhode Island Supreme Court recognized in *Demers*, Rule 36 requires responses based upon “facts within [the responding party’s] personal knowledge.” 557 A.2d at 1191. Where a request is framed in a manner that cannot be truthfully admitted or denied without accepting contested premises, the rule contemplates that a party may “set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter.” That is precisely what the State has done, it has denied the matters as phrased and, where appropriate, explained why the phrasing renders a simple “admit” or “deny” misleading or impossible. Notably, Rule 36(a) also provides that “when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder.” The State’s “denied as phrased” responses reflect good-faith responses to imprecisely worded requests, not evasion.

B. The State’s “Lacks Sufficient Knowledge” Response Complies with Rule 36(a).

AECOM contends the State failed to describe its reasonable inquiry when responding to RFA No. 1 with a “lacks sufficient knowledge” answer. Rule 36(a) expressly permits a party to give lack of information or knowledge as a reason for failure to admit or deny, provided “the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny.” The State’s response includes this specific language. Importantly, under *Demers*, responses claiming lack of knowledge are proper where the requesting party seeks information that is not within the responding party’s personal knowledge or reasonable ability to ascertain. See 557 A.2d at 1190-91. The information sought, such as whether AECOM received a copy of the Lichtenstein Report prior to litigation, genuinely requires investigation that remains ongoing given the complexity of this multi-defendant infrastructure case. The State’s responses are therefore fully appropriate and consistent with what is allowed under the rule.

C. The State’s Privilege Objections Are Properly Asserted.

AECOM argues the State improperly invoked privilege over “purely factual” admissions in RFA Nos. 13, 38, and 39. Rule 26(b)(1) limits the scope of discovery to matters “not privileged, which is relevant to the subject matter involved in the pending action.” Additionally, “[m]aterials obtained or prepared by an attorney in anticipation of litigation are not . . . discoverable unless production of those materials [is] necessary for the preparation of one’s own case.” *Henderson v. Newport County Regional Young Men’s Christian Association*, 966 A.2d 1242, 1246 (R.I. 2009) (internal citations omitted); see also *DeCurtis*, 152 A.3d at 427 (applying work product doctrine). Certain RFAs, such as

whether the State ever referred to AECOM as a “fiduciary” in pre-litigation communications, do implicate attorney-client privilege and work-product protections, as the relevant communications may have occurred in the context of legal analysis and litigation preparation. Rule 26(b)(5) further provides that “[w]hen a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.” The State has properly asserted these privileges.

D. The State’s Qualified Admissions Are Expressly Permitted by Rule 36(a).

AECOM argues the State improperly supplemented admissions to RFA Nos. 58 and 59 with narrative commentary. Rule 36(a) expressly permits a party to “qualify an answer or deny only a part of the matter of which an admission is requested” and to “specify so much of it as is true and qualify or deny the remainder.” The State’s qualifications were made in good faith to provide accurate, complete responses. The rule does not require a party to provide bare admissions that strip away necessary context. To the contrary, the rule *mandates* qualification when good faith requires it. Rule 36(a) further provides that “[a] party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; the party may... deny the matter or set forth reasons why the party cannot admit or deny it.” The State has not objected to the requests on the ground that they

present genuine issues for trial. It has engaged substantively, which is precisely what the rule requires.

E. The State’s “Impermissibly Compound” Objections Are Justified.

AECOM challenges the State’s objections that certain RFAs are “impermissibly compound.” Rule 36(a) provides that “[e]ach matter of which an admission is requested shall be separately set forth.” AECOM crafted many of its RFAs to embed multiple factual predicates within a single request, making a simple “admit” or “deny” impossible without potentially conceding contested facts. The “separately set forth” requirement of Rule 36(a) is mandatory, and the State’s objection that compound requests violate this requirement is well-founded. This argument is also supported by the proportionality principles of Rule 26(b)(1), which provides that the court shall limit discovery if it determines that the discovery is “unreasonably cumulative or duplicative.” Compound RFAs that force a party to admit or deny multiple propositions simultaneously are inherently duplicative and undermine the purpose of Rule 36.

F. The State’s Vagueness Objections Are Substantive.

AECOM dismisses the State’s vagueness objections to terms like “ultimate responsibility,” “tie-down rods,” and “categories of damages” as “boilerplate.” Rule 36(a) requires that the answering party “specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter.” The State has done precisely this. It has explained why the terms used in AECOM’s RFAs are genuinely ambiguous in context. For example, “ultimate responsibility” could refer to contractual obligation, supervisory authority, or legal liability, and the State cannot fairly admit or deny the request without knowing what AECOM means. The State’s vagueness

objections are not boilerplate; they identify specific ambiguities that prevent a truthful response. The rule's requirement that a denial "fairly meet the substance of the requested admission" presupposes that the request itself has a discernible substance. Where a request is vague, the State's explanation of the ambiguity is the most the rule requires.

G. AECOM's Requested Relief Is Disproportionate.

AECOM seeks to have all disputed RFAs deemed admitted or, alternatively, amended responses within 14 days without objection, plus attorneys' fees. Rule 36(a) provides that if the court determines that an answer does not comply with the rule's requirements, "it may order either that the matter is admitted or that an amended answer be served. The court may, in lieu of these orders, determine that final disposition of the request be made at a pre-trial conference or at a designated time prior to trial." Deeming RFAs admitted is thus only one of several remedies available to the court, and is an extreme remedy that courts reserve for egregious noncompliance or willful refusal, not for good-faith disputes over the adequacy of responses. The Rhode Island Supreme Court has consistently held that "[w]e will find an abuse of discretion only when a motion justice has dismissed an action in the absence of evidence demonstrating persistent refusal, defiance, or bad faith." *Joachim*, 138 A.3d at 751 (internal quotations, citations, and emphasis omitted). In *Demers*, the Court applied the sanction of deeming matters admitted only where the responding party's "responses were blatantly evasive and could not have been set forth in good faith, since every one of the foregoing requests for admissions was based upon facts within the personal knowledge of the co-commissioners." 557 A.2d at 1190. The Court noted that the response was also defective because it was "not under oath as required by Rule 36(a)." *Id.*

Here, in stark contrast, the State's responses are made in good faith, properly sworn, have been voluntarily supplemented, and substantively engage with each RFA. There is no evidence of "persistent refusal, defiance, or bad faith," the hallmarks required to justify severe sanctions under Rhode Island law. The State has not refused to participate in discovery; instead, it has substantively responded to each RFA. Sanctions are unwarranted given the State's demonstrated good-faith engagement, including the production of over 490,000 pages of documents and detailed answers to dozens of interrogatories.

Under Rule 37(a)(4)(A), expenses may not be awarded if the court finds "that the opposing party's nondisclosure, response, or objection was substantially justified, or that other circumstances make an award of expenses unjust." The State's responses are substantially justified, as demonstrated by the detailed rule-based analysis above. Moreover, if the motions are denied, Rule 37(a)(4)(B) authorizes the court to require the moving party to pay the opposing party's reasonable expenses, including attorney's fees. The defendants' aggressive motion practice in the face of the State's good-faith compliance may itself warrant such expense-shifting.

H. The State Has Acted In Good Faith.

As with the JV's motion, the State's objection to AECOM's motion emphasizes its extensive good-faith cooperation, including serving initial RFA responses on November 26, 2025 and supplemental responses on February 5, 2026, and responding to two rounds of deficiency letters. The State's February 25, 2026 position that it would not further amend reflects a legitimate assessment that the responses are compliant—not obstruction. The discovery signing certification under Rule 26(f) also supports the State's

position. That rule provides that the signature on a discovery response constitutes a certification that the response is “[c]onsistent with these rules and warranted by existing law” and is “[n]ot unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.” The State’s counsel signed these responses in compliance with this certification, which itself evidences good faith.

CONCLUSION

For the foregoing reasons, the Court should deny the JV’s Third Motion to Compel and AECOM’s Motion to Compel Plaintiff’s Responses to Requests for Admission & To Deem Requests Admitted.

Respectfully Submitted,
Plaintiff,
State of Rhode Island,
By its Attorneys,

/s/ Sarah W. Rice

Sarah W. Rice, Esq. (#10588)
Assistant Attorney General
Megan Rok, Esq. (#11098)³
Rhode Island Office of the Attorney General
150 South Main Street
Providence, RI 02903
Tel: (401) 274-4400
srice@riag.ri.gov
mrok@riag.ri.gov

/s/ Theodore J. Leopold

Theodore J. Leopold (admitted *pro hac vice*)
Leslie M. Kroeger (admitted *pro hac vice*)
Diana L. Martin (admitted *pro hac vice*)
Poorad Razavi (admitted *pro hac vice*)
Takisha Richardson (admitted *pro hac vice*)
Adnan Toric (admitted *pro hac vice*)

³ Practicing under Article II, Rule 2(f) of the R.I. Supreme Court Rules Pending Admission to the Rhode Island Bar.

Cohen Milstein
11780 U.S. Highway One, Suite N500
Palm Beach Gardens, FL 33408
tleopold@cohenmilstein.com
lkroeger@cohenmilstein.com
dmartin@cohenmilstein.com
prazavi@cohenmilstein.com
trichardson@cohenmilstein.com
atoric@cohenmilstein.com

/s/ Jonathan N. Savage

Jonathan N. Savage, Esq. (#3081)

Michael P. Robinson, Esq. (#6306)

Edward D. Pare III, Esq. (#9698)

Savage Law Partners, LLP

564 South Water Street

Providence, RI 02903

Tel: (401) 238-8500

Fax: (401) 648-6748

js@savagelawpartners.com

mrobinson@savagelawpartners.com

epare@savagelawpartners.com

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of April, 2026, I electronically filed and served this document through the electronic filing system on counsel of record. The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Edward D. Pare III